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June 10, 2019

**VIA ECF**

The Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

RE: *In re Dental Supplies Antitrust Litigation*, No. 16-cv-696 (E.D.N.Y.) (ALL CASES)

Dear Judge Cogan:

The Court has appointed my firm as one of four firms designated as Class Counsel for the preliminarily certified Settlement Class (the “Class”). *See* ECF No. 317 (the “Preliminary Approval Order”), ¶ 9 (appointing Berger Montague PC, Cohen Milstein Sellers & Toll PLLC, Hausfeld LLP, and Susman Godfrey LLP as Settlement Class Counsel). On May 14, 2019, the Settlement Administrator notified Class Counsel that a least one member of the Class had received a postcard solicitation suggesting to potential claimants that claimants would benefit from retaining and paying a separate company to file claim forms for them in this case (the “Solicitation”). Class Counsel determined that the Solicitation, and the website referenced in the Solicitation, were likely to confuse or mislead Class members, thereby threatening to undermine the Court-approved Notice program and claims administration procedures. Class Counsel respectfully submit this letter to notify the Court of the corrective action undertaken by Class Counsel in response to the Solicitation.

Class Counsel have learned that Budyonny Law Group (“BLG”) mailed the Solicitation to approximately 6,000 Class members following the Preliminary Approval Order. The Solicitation contained several features creating the appearance that it was an official Court-approved communication, including bolded headings referencing the action and this Court, and a reference to a website (the “BLG Website”) where recipients could “submit a claim.” The BLG Website contained a claim form that mirrored the registration form available on the Court-approved Settlement website, [dentalsuppliesantitrustclassaction.com](http://dentalsuppliesantitrustclassaction.com).

The BLG Website purported to require Class members who completed the form to pay BLG a fee in the amount of 33 percent of their anticipated Settlement award for the simple task of BLG completing their claim form. The fact of the 33 percent fee, as well as other material provisions of the purported agreement, were buried in the fine print of a separate “Terms and Conditions” page that was hyperlinked on the BLG Website’s home page.



On May 17, 2019, shortly after learning about the Solicitation, Class Counsel sent a letter to BLG and its managing partner, demanding that BLG cease mailing the Solicitation, shut down the BLG Website referenced in the Solicitation, provide Class Counsel with a list of all persons and entities that have received the Solicitations, and issue corrective notice to any Class members who have received the Solicitations in a form and manner to be agreed upon by Class Counsel and BLG. That same day, in response to Class Counsel's letter, BLG notified Class Counsel that it had shut down the fillable form on the BLG Website. BLG subsequently notified Class Counsel that approximately 6,000 potential Class members had received the Solicitation, 145 of whom completed the form on the BLG Website.

On May 31, 2019, Class Counsel and BLG agreed to undertake the corrective action described herein. First, BLG agreed to cease the mailing of the Solicitation or any related solicitation communications to members or potential members of the Class. Second, BLG agreed not to re-activate the fillable form that was featured on the BLG Website or any similar form. BLG also agreed to post a notice on the BLG Website containing a link to the official Court-approved Settlement website. Next, BLG and Class Counsel agreed that for the Class members who submitted information through the fillable form that was featured on the BLG Website, the Settlement Administrator shall send claim forms directly to the Class members, and not to BLG. Along with the claim forms for those Class members, the Settlement Administrator shall include a notice informing recipients that they have the right to file their own claim form and are under no obligation to pay any fee to BLG if they choose to do so, regardless of whether they submitted information through the BLG Website. Finally, BLG agreed that it would not seek to enforce any purported contract or fee agreement with respect to any Class members that submitted information through the BLG Website but decide to file their own claim instead of enlisting BLG's services in connection with their claim.

Class Counsel are charged by the Court with protecting the interests of the Class members and ensuring that class members receive accurate information about the Settlement and the claims process. *See* Preliminary Approval Order ¶ 6. Class Counsel are satisfied that the corrective measures described above will correct any confusion that may have been caused by the Solicitation and related BLG Website. However, Class Counsel will promptly notify the Court if they become aware of other firms targeting Class members with potentially misleading communications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric L. Cramer', with a stylized flourish at the end.

Eric L. Cramer